

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **Mike Van Aelst v Estates of Genesee Valley LTD**

Docket No. **268870**

L.C. No. **05-081327-CP**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The claim of appeal filed March 7, 2006, as to the order granting summary disposition is DISMISSED for lack of jurisdiction because the claim of appeal was not filed within 21 days of the January 30, 2006 order denying reconsideration as required by MCR 7.204(A)(1)(b). The appellants could not wait until disposition of the sanctions request in order to appeal the granting of summary disposition. See *Baitinger v Brisson*, 230 Mich App 112 (1998). The claim of appeal does remain pending as to the order granting sanctions. However, that only permits the appellants to argue that the filing and pursuing of the complaint was not frivolous. See MCR 7.203(A). Any challenge to the actual granting of summary disposition must be done by an application for leave to appeal under MCR 7.205.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 27 2006

Date

*Sandra Schultz Mengel*  
Chief Clerk